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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,621	09/29/2004	Cheng-Min Liao	13640-US-PA	5620

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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

BENNETT, ZAHRA I

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,621

Applicant(s)

LIAO ET AL.

Examiner

Zahra Bennett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,7 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7, and 16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated over Shimura et al. (US Patent 6,095,656).

With respect to claim 20, Shimura teaches a backlight module, comprising:

a bottom plate (Figure 2: 280); and

a plurality of lamps (270) disposed separately over the bottom plate,

wherein the bottom plate has a plurality of first areas with lower reflectivity (285, see Column 8, lines 32-36) underneath the lamps and a plurality of second areas with higher reflectivity (280), wherein each second area with higher reflectivity is between two first areas with lower reflectivity (Figure 2), the bottom plate (Figure 2: 280) is disposed with a first film with lower reflectivity (285) and a second film with higher reflectivity (280); the first films (285) are disposed on the second film (280, see Column 8, lines 32-36) to form the first areas (280) with higher reflectivity; and a plurality of areas of the second film (280) not covered by the first films form the second areas with higher reflectivity.

With respect to claim 21, Shimura teaches that the lamps (Figure 2: 270) are arranged in parallel and equidistantly (Figure 2) over the bottom plate (280).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6, 7, and 16-19, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimura et al. (US Patent 6,095,656) in view of Hagihara et al. (US Patent 5,504,545).

With respect to claim 1, Shimura teaches a backlight module, comprising:

a bottom plate (Figure 2: 280); and

a plurality of lamps (270) disposed separately over the bottom plate, wherein the bottom plate has a plurality of first areas with lower reflectivity (285, see Column 8, lines 32-36) underneath the lamps and a plurality of second areas with higher reflectivity (280), wherein each second area with higher reflectivity is between two first areas with lower reflectivity (Figure 2), the first areas comprise a plurality of lower-reflectivity films (Figure 2: 285, left and right sides) disposed on the bottom plate (280, Column 8, lines 32-36), and the second areas comprise a plurality of higher-reflectivity films (280, left and right sides).

Shimura does not teach that higher reflectivity films are disposed on the bottom plate. Hagihara teaches that the second areas (Figure 1: 17) comprise a plurality of higher-reflectivity films disposed on the bottom plate (6, see Column 3, lines 2-5). It would have been obvious to one of ordinary skill at the time of the invention to have the higher reflectivity films of Shimura disposed on the bottom plate for the benefit of controlling the illumination of the apparatus, as taught by Hagihara.

With respect to claim 16, Shimura teaches a backlight module, comprising:
a bottom plate (Figure 2: 280); and
a plurality of lamps (270) disposed separately over the bottom plate,
wherein the bottom plate has a plurality of first areas with lower reflectivity (285, see Column 8, lines 32-36) underneath the lamps and a plurality of second areas with higher reflectivity (280), wherein each second area with higher reflectivity is between two first areas with lower reflectivity (Figure 2), the bottom plate (Figure 2: 280) is disposed with a first film with lower reflectivity (285), and a second film with higher reflectivity (280) and a plurality of areas of the first film (285, left and right sides) not covered by the second films (280) form the first areas with lower reflectivity (Column 8, lines 32-36).

Shimura does not teach that the second films are disposed on the first film. Hagihara teaches the second films (Figure 2: 17) are disposed on the first films (Figure 1: 6) to form the second areas with higher reflectivity. It would have been obvious to one of ordinary skill at the time of the invention to have the second films of Shimura

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disposed on the first film for the benefit of controlling the illumination of the apparatus, as taught by Hagihara.

With respect to claims 2, and 17, Shimura teaches that the lamps (Figure 2: 270) are arranged in parallel and equidistantly (Figure 2) over the bottom plate (280).

With respect to claim 6 and 18, Shimura does not teach that the first areas have a reflectivity of about 75-85%, and the second areas has a reflectivity of about 90-99.9%. Hagihara teaches that the first areas (Figure 2: 6) have a reflectivity of about 75-85% (Column 3, lines 9-10), and the second areas (17) has a reflectivity of about 90-99.9% (Column 3, lines 10-12). It would have been obvious to one of ordinary skill at the time of the invention to have the first areas have a reflectivity of about 75-85%, and the second areas has a reflectivity of about 90-99.9%. One would have been motivated to modify the device of Shimura for the benefit of controlling the illumination of the apparatus, as taught by Hagihara.

With respect to claims 7 and 19, Shimura does not teach that the first areas have a reflectivity of about 80%, and the second areas has a reflectivity of about 96%. Hagihara teaches that the first areas (Figure 2: 6) have a reflectivity of about 80% (Column 3, lines 9-10), and the second areas (17) has a reflectivity of about 96% (Column 3, lines 10-12). It would have been obvious to one of ordinary skill at the time of the invention to have the first areas have a reflectivity of about 80%, and the second

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areas has a reflectivity of about 96%. One would have been motivated to modify the device of Shimura for the benefit of controlling the illumination of the apparatus, as taught by Hagihara.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimura et al. (US Patent 6,095,656) in view of Hagihara et al. (US Patent 5,504,545).

With respect to claim 22, Shimura does not teach that the first areas have a reflectivity of about 75-85%, and the second areas has a reflectivity of about 90-99.9%. Hagihara teaches that the first areas (Figure 2: 6) have a reflectivity of about 75-85% (Column 3, lines 9-10), and the second areas (17) has a reflectivity of about 90-99.9% (Column 3, lines 10-12). It would have been obvious to one of ordinary skill at the time of the invention to have the first areas have a reflectivity of about 75-85%, and the second areas has a reflectivity of about 90-99.9%. One would have been motivated to modify the device of Shimura for the benefit of controlling the illumination of the apparatus, as taught by Hagihara.

With respect to claim 23, Shimura does not teach that the first areas have a reflectivity of about 80%, and the second areas has a reflectivity of about 96%. Hagihara teaches that the first areas (Figure 2: 6) have a reflectivity of about 80% (Column 3, lines 9-10), and the second areas (17) has a reflectivity of about 96% (Column 3, lines 10-12). It would have been obvious to one of ordinary skill at the time

of the invention to have the first areas have a reflectivity of about 80%, and the second areas has a reflectivity of about 96%. One would have been motivated to modify the device of Shimura for the benefit of controlling the illumination of the apparatus, as taught by Hagihara.

Response to Arguments

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Shimura teaches a higher reflective area but not show does that the higher reflectivity films are disposed on the bottom plate. Hagihara teaches second areas, which comprise a plurality of higher-reflectivity films, disposed on a bottom plate. It would have been obvious to one of ordinary skill at the time of the invention to have a plurality of higher reflectivity films disposed on a bottom plate in order to control the illumination of the apparatus.

In response to applicant's argument that Hagihara teaches away from the proposed modification to arrange the lower reflective films underneath the lamps, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed

invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. Further, merely offering an alternative is not the same as teaching away from a combination. Hagihara teaches a plurality of reflective films can be disposed on the bottom plate, therefore, the combination meets the limitation of the claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zahra Bennett whose telephone number is 571-272-2267. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZB



RENEE LUEBKE
PRIMARY EXAMINER